

Online Public Inspection File

The Licensee has certified in the negative to the question asking whether the documentation required by 47 C.F.R. § 73.3526 has been uploaded to the station's public inspection file when required.

The Licensee has answered "no" because the 2014 EEO Public File Report contemplated by Rule § 73.3526(e)(7) was uploaded 12 days late.

Otherwise, the Licensee wishes to explain the following circumstances, which may at first appear to, but do not in fact, impact the timeliness of uploads:

- The Fourth Quarter 2018 Issues/Programs Reports and Certifications of Compliance with Children's Commercial Limits were each timely uploaded to the online public inspection file (OPIF) and/or filed once the federal government reopened after shutdowns.
- The 2019 Annual Children's Television Programming Report was timely filed and the First Quarter 2020 Issues/Programs Report was timely uploaded to the OPIF pursuant to a blanket extension granted by the Media Bureau related to the COVID-19 pandemic.

Additionally, the Licensee discloses the following circumstances:

- 2015 Biennial Ownership Report. Please refer to the Biennial Ownership Report exhibit related to the late-filed 2015 Biennial Ownership Report for "parent entity" trusts. The Licensee's and its direct corporate parent's Reports for 2015 were timely filed and all beneficial owners were timely disclosed.
- Political File Reconciliation Information. With respect to political file records required by 47 C.F.R. § 73.3526(e)(6) and §73.1943, the Licensee did not always upload reconciliation information contained in station invoices to the OPIF during the 2020 presidential election period. The public was not prejudiced by the absence of reconciliation information given the timely upload of political orders. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Second Report & Order, 27 FCC Rcd 4535 (2012), ¶ 57*. Moreover, in some cases there were no changes between the time of order and the time of air such that certain invoices disclosed no new information than had been previously, timely disclosed (*e.g.*, no rebates, credits issued, or make goods). *See id.* As of late-September 2021, the Licensee has uploaded invoices that

were previously not present in the OPIF.

- 2021 Class of Time. Additional descriptive information about the classes of time for the very limited political advertising sold thus far in 2021 (one order) was uploaded in September 2021. The class of time was timely disclosed on the political order forms using a “P code,” and descriptive information was available in the 2020 folder.
- Limited Delayed Uploads. Although throughout the relevant period the Licensee timely generated and uploaded to the OPIF the overwhelming majority of its political file records, the Licensee inadvertently failed to timely upload a few records. The principal upload delays of which the Licensee is aware are slight delays associated with the following records: (1) a small group of political orders from late August 2020 for non-candidate issue advertiser Stronger Missouri uploaded approximately one month late, (2) a small group of orders from early August 2020 for non-candidate issue advertiser Uniting Missouri uploaded seven to nine days after the order was taken, and (3) two orders for Presidential candidate Bloomberg uploaded five to eight days late around the Thanksgiving holiday 2019. The Licensee is cognizant that these time periods do not meet the Commission’s immediacy expectations. However, viewed against the context of the station’s overall political file recordkeeping compliance—which spans 500 files as of the date of this application filing—the Licensee respectfully submits that its few upload delays are *de minimis* and do not materially affect the Licensee’s aggregate compliance with the political file recordkeeping and disclosure rules. This is particularly true given that the one-month delay in August 2020 arose during the COVID-19 pandemic, when station personnel responsible for political file uploads had transitioned to remote work, making communication about the political file more difficult and completion of political file tasks more cumbersome.

The Licensee respectfully submits that the limited circumstances described in this exhibit should not negatively impact a determination of KMIZ’s overall compliance with the online public inspection file requirements during the license term.

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